

ORIGINAL

20 Nov 0

(9)
11/22/0
wba

FILED
HARRISBURG

NOV 21 2000

MARY E. DIANDREA, CLERK
UNITED STATES DISTRICT COURT Per SS
MIDDLE DISTRICT OF PENNSYLVANIA DEPUTY CLERK

DEAN E. BERGSTRESSER,	:
Petitioner,	:
v.	:
ROBERT SHANNON, Superintendent, etc., <u>et al.</u> ,	:
Respondents.	:

CIVIL ACTION NO.
00-CV-1713
(Caldwell, U.S.D.J.;
Smyser, U.S.M.J.)

PETITIONER'S MOTION FOR EXTENSION OF TIME TO FILE REPLY,
WITH CERTIFICATE OF CONCURRENCE

Petitioner moves pursuant to Fed.R.Civ.P. 6(b) for a two-week extension of time to file his reply to the respondents' Response.

This petition for habeas corpus was filed by a state prisoner under 28 U.S.C. § 2254. By Order dated October 23, 2000, this Court directed the respondent to file a response, and granted the petitioner leave to file a reply within ten days after the response was filed. On November 6, the respondents filed their response to the petition and served it by mail on counsel for the petitioner; "ten days" thereafter is Tuesday, November 21, 2000. Fed.R.Civ.P. 6(a), (e).

On Thursday, November 16, 2000, the undersigned filed an appellant's brief in the Third Circuit. On Friday and Saturday, he was in attendance as a speaker at a Continuing Legal Education Program. On Monday, November 20, 2000, he met a deadline for the filing of a petition for certiorari in the Supreme Court of the United States. Three deadlines loom on Wednesday, November 22, 2000, the day before Thanksgiving. Regrettably, counsel simply cannot file this reply on the present schedule.

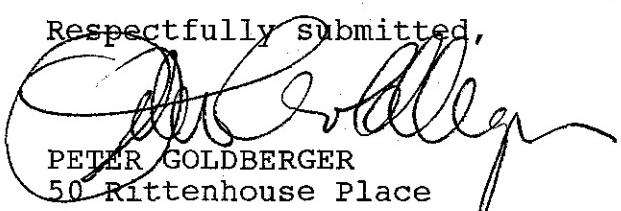
Certificate of Concurrence: On November 20, 2000, the undersigned spoke with the secretary for Potter County District Attorney Jeff Leber, attorney for the respondents, who stated that Mr. Leber concurred in the instant motion for a two week extension of time.

Wherefore, petitioner prays that this Court grant him until Tuesday, December 5, 2000, to file his reply in this case.

Dated: November 20, 2000

JOHN C. DOWLING
JAMES H. CAWLEY
Rhoads & Sinon LLP
P.O. Box 1146
Harrisburg, PA 17108-1146
(717) 233-5731

Respectfully submitted,


PETER GOLDBERGER
50 Rittenhouse Place
Ardmore, PA 19003-2276

(610) 649-8200

Co-Counsel for Petitioner

CERTIFICATE OF SERVICE

On November 20, 2000, I served a copy of the foregoing motion by first class mail, postage prepaid, on the attorney for the respondents, addressed as follows:

Jeff Leber, Esq.
Potter County District Attorney
One East Third Street
Coudersport, PA 16915

